

REMARKS

The Office Action dated January 18, 2007 has been received and carefully studied.

The Examiner now rejects claims 1-2 and 4-5 and 23 under 35 U.S.C. §103(a) as being unpatentable over Brown, et al., U.S. Patent No. 4,990,248. The Examiner states that Brown teaches the tube 62 being the innermost tube of the cartridge but not of the cylindrical container. The Examiner concludes that it would have been obvious to remove the post-filter 75 should it be desirable to replace less than the entire filter cartridge and omission of an additional filtering step would be obvious if this feature were not desired.

The rejection is respectfully traversed.

Although Applicants appreciate that omission of an element and its function can be obvious if the function is not desired, there is absolutely not teaching or suggestion in Brown et al. that the post-filtering function is not desired. In fact, the opposite is true. The post-filter of Brown et al. is a critical feature of the device. That the post-filter may be separately removable does not in any way suggest that it is optional or is not desired; it is disclosed as being separately replaceable, indicating that it can be replaced but not omitted. Only with the

impermissible benefit of hindsight would the skilled artisan think to completely eliminate the post-filter of Brown et al. and thereby fortuitously resulting in the tube 62 of Brown et al. becoming the innermost tube of the cylindrical container.

The Examiner maintains the rejection of claims 6, 7 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Regunathan et al., claims 8, 10-12 and 22 as being unpatentable over Brown in view of Regunathan and further in view of Whittier et al., claims 13-16 as being unpatentable over Brown in view of Regunathan and Whittier and further in view of Burrows, claim 9 as being unpatentable over Brown in view of Regunathan and Whittier and further in view of Petrucci et al., and claim 17 as being unpatentable over Brown in view of Regunathan and Whittier and further in view of Gundrum et al.

These claims are believed to be allowable by virtue of their dependence, for the reasons articulated above with respect to Brown et al. None of the secondary references supplies the above-noted deficiencies of Brown.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,

Keyin S. Lemack
Keyin S. Lemack

Reg. No. 32,579

176 E. Main Street - Suite 7

Westboro, Massachusetts 01581

TEL: (508) 898-1818